IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3177 of 2006

Dr.Ashok Baburao Tapase — Petitioner
Vs.
Commissioner, Pimpri-Chinchwad
Municipal Corporation & ors. — Respondents

Mr.V.A.Gangal with Mr.Praksh Deshmukh for petitioner.
Mr.N.V.Walawalkar, Sr.Counsel with Mr.G.H.Keluskar
for resp.no.1.
Mr.P.P.Kakade, AGP for resp.no.2.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

November 13, 2006.

P.C.

. Heard Mr.Gangal with Mr.Deshmukh, the learned counsel for the petitioner. Leave to amend.

Amendment to be carried out within one week.

. Undoubtedly the impugned order passed against the petitioner is an appealable order under Section 56 of the Bombay Provincial Municipal Corporations Act, 1949 and before filing the petition, the said remedy has not been exhausted.

. We, therefore, deem it appropriate to relegate the petitioner to the departmental appellate remedy in which he is at liberty to take up all the points raised in this petition for consideration of the

appellate authority and as far as the procedure for hearing and deciding the appeal is concerned, the same shall be followed as has been set out by us in Writ Petition No.5887 of 1999 decided on 16/10/2006.

. The petition is, therefore, disposed as withdrawn with liberty to file an appeal as stated hereinabove and the appellate authority shall hear and decide the appeal in the manner set out by us in Writ Petition No.5887 of 1999. It is further directed that if such an appeal is preferred within a period of four weeks from today, the same shall be decided as per law as expeditiously as possible and preferably before 31st January 2007.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)